

CLEAN WATER ACT2-52A. Class II Administrative Penalty: Initiation of Action; Public Notice; Consultation with State; Negotiation and Signing Consent Agreements; and Assessing Penalties

1. **AUTHORITY.** Pursuant to sections 309(g) and 311 of the Clean Water Act, the authority to:
 - a. Make findings of fact; propose penalty to be assessed; issue, amend, or withdraw Class II administrative complaints.
 - b. Provide, or cause to be provided, public notice of proposed penalty assessments and provide commenters with copies of orders entered on consent or on default.
 - c. Consult with states, as required.
 - d. Sign consent agreements between the agency and the party against whom a Class II penalty is proposed to be assessed.
2. **TO WHOM DELEGATED.** Chief, Water Enforcement Branch, and chief, RCRA and OPA Enforcement Branch.
3. **LIMITATIONS.**
 - a. Any official exercising this authority may do so only for those cases initiated by Region 8.
 - b. Any official exercising this authority must consult with the regional counsel or his/her delegatee or designee and obtain concurrence on legal sufficiency of documents to be issued before exercising authorities 1.a. or 1.d.
4. **REDELEGATION AUTHORITY.**
 - a. Authorities 1.a. and 1.d. may not be redelegated. Authorities 1.b. and 1.c. may be redelegated to the staff level. The authority of the assistant administrator for Enforcement and Compliance Assurance to consult with states may be transferred to regional office employees, with the agreement of the regional administrator or his/her delegatee.
 - b. Persons exercising authority 1.d. may allow other appropriate EPA officers or employees to join as “co” or supplemental signatories.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Sections 309(g) and 311 of CWA.

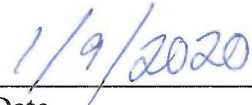
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- b. Delegations 1-37 and 1-38, entitled "Hearings" and "Adjudicatory Proceedings."
- c. 40 CFR Part 22.



Suzanne J. Bohan, Director
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Date